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FOREWORD

Mr. Divanji is an old veteran savant and it is surprising to me that he should need someone like me to chaperon his debut in the world of political literature. But more surprising than this is that he should have fallen upon me as the person best fitted for this work.

If at all he wanted any one to do so, I think he should have approached the President of the Hindu Mahasabha; for, much that forms the basis of Mr. Divanji's brochure, is a chip of the same block which forms the creed of the Hindu Mahasabha. Since Mr. Divanji insists on my writing a Foreword—and that is I believe largely because I am now an Executive Councillor—I gladly do so, more especially on account of my association with him at the Bombay Bar.

There can be no exaggeration in saying that there is more talk of constitutional advancement in India, but very much less application to the problems involved in the making of the Constitution itself. In view of the bewildering multiplicity of points of view and claims for protection, there can be no doubt that safety lies in having a multiplicity of plans designed from different angles for framing the constitution.

As a new approach to the problem, this brochure will no doubt be welcomed by the public. But, there is also another reason for welcoming this addition to the political literature of the country. Mr. Divanji makes an original approach for solving what he describes as the Indian political riddle. We have altogether three approaches for the solution of this riddle—the purely territorial, the purely communal, and the purely occupational. To these Mr. Divanji adds the cultural approach. I do not know how far his approach will find ready acceptance from those whose task it will be to frame the new Constitution. I have my own doubts about his plan.

Some of his concrete proposals would be regarded as retrograde by the advanced politicians whose one conserving passion is to achieve complete independence for India. For myself the cultural approach, so far as the Hindu group is concerned, may have a very deleterious effect upon the submerged sections of the Hindu population. Mr. Divanji in his booklet refers to the wars between the Brahmanas and the Ksatriyas in ancient times—wars in which each class vowed to exterminate the other. Mr. Divanji also brings out

the fact that the two classes after a long and bloody struggle arrived at a compromise. This is good and sound history. But when Mr. Divanji further proceeds to state that "that compromise had established such harmonious relations between not only the two rival communities but also between them and the Banias (the Vaisyas) and the Sudras that never again in the long history of the Indian civilisation was there a recurrence of the internecine wars of the Vedic age above-referred to", one is compelled to ask: Yes, peace! but peace of what kind? Was it peace with honour for the Vaisyas and the Sudras or was it a peace—brought about by the suppression of the Vaisyas and the Sudras by a conspiracy between the Brahmanas and the Ksatriyas who compromised their quarrels so as not to weaken their ranks and with a combined force be better able to put down the rising tide of the Vaisyas and Sudras which was taking place under the religion of Buddha?

This attitude is typical of the high-class Hindus. It gives the clue to a proper understanding of how the higher class Hindus coming from the Brahmanas and Ksatriyas have developed an attitude of indifference towards the Vaisyas and the Sudras and have developed a self-satisfying frame of mind that there is nothing wrong with the Hindu Society or with any of the numerous sections of which it is composed. In coming to these conclusions, Mr. Divanji is unconsciously exhibiting the attitude of the higher classes towards the lower classes in Hindu society. It is this attitude which one finds ingrained in the Congress policy which holds to the view that for political purposes no distinction ought to be made between the high and the low and that all power may be allowed to pass into the hands of those who are higher up in Hindu society and that no means need necessarily be adopted to empower those who are lower to protect themselves against the injustices of the higher. That has been the tragedy of Hindu India, and I have no doubt that it will be so in the future under Swaraj, unless proper precautions are taken to guard against the result. Mr. Divanji's cultural approach will no doubt be examined by those who have a doubt whether it would be safe to leave the destinies of the suppressed and the oppressed in the hands of those who for centuries past have been responsible for reducing them to that status.

New Delhi,
20th August, 1942.

B. R. AMBEDKAR

PREFACE

The scheme of an Indian constitution with a historical background put forward in this booklet had been framed by me as early as October-November 1941. In April 1942 when Dr. B. R. Ambedkar, Member-designate, Viceroy's Executive Council was about to proceed to New Delhi he came to know through Mr. P. R. Bharucha, Secretary, Bar Association, Bombay, of my having drafted an All-Comprehensive Swadeshi Scheme On Purely Non-party Lines and desired me to supply him with a copy thereof and I did so. After his appointment he pressed me to publish it, saying that though it may not be acceptable as a whole to any recognised political party some of them may pick up some novel suggestions therein. The trend of events ever since it was drafted, inspires me with a confidence that although I am not a politician, I can, with the help of my study of political science, Ancient Indian history, Sanskrit religious and philosophical literature and keeping myself in touch with the current of political events, make a contribution, however slight, to the solution of a riddle concerning the larger life of the Indian community as a whole. I therefore launch it with slight changes required by subsequent events, hoping that it will attract the attention of those in whose hands lies the power to shape the destiny of the variegated population of this

Those who will look at this scheme superficially are apt to carry the impression that I have suggested a solution on communal lines. It is not so, however. For the comprehension of the distinction between communal and cultural groups I draw their attention to Section IV and foot-note 17.

**Santa Cruz. Dated
10th Sept. 1942.**

P. C. DIVANJI.

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THE INDIAN POLITICAL RIDDLE:

A HISTORICAL APPROACH TOWARDS ITS SOLUTION

I. Urgency of the Problem and its Suggested Solutions.

THE necessity for the different communities inhabiting this land to unite together as one nation and come to an agreement as to its future was never so great as it is now. For, although till recently the British nation had not in unequivocal terms expressed its willingness to transfer to the Indian nation the substance of power in this country, it has now done so on condition that the said communities agree amongst themselves as to the type of constitution suitable to their ideals. This is not for the first time that the necessity for such an agreement has been brought home to them. It was the problem of the day in a somewhat different form even while the three Round Table Conferences were held prior to the passing of the Government of India Act, 1935 by the British Parliament. Attempts to solve it were also made sincerely by several well-meaning and influential individuals but they were unsuccessful because

no mutual agreement could be brought about between the two major political parties representing the Indian National Congress and the Indian Moslem League on the question of proportional representation of the Hindus and the Muslims in the legislative bodies. The result of the disagreement was that the late Mr. Ramsay MacDonald acted as an arbitrator and gave his famous Communal Award and legislative sanction was given to it by the Act of 1935. The working of the portion of that Act relating to the Provinces, which had been tried from 1937 to 1939, did not satisfy the minor elements of the population. The Congress-representatives who had undertaken to work it in 7 out of the 11 provinces on certain assurances being given, were also anxious to clear off as early as a suitable opportunity presented itself and that presented itself when in September 1939 war was declared on behalf of India against Germany without consulting them. Attempts were thereafter made to set up Coalition Ministries in those Provinces but they did not succeed. Twice has H. E. the Viceroy tried to ensure the co-operation of the major political parties in enlarging his Executive Council but the said two parties have stood aloof. The Congress party did so because it did not get a definite promise that India would be granted, at least after the end of the present war, complete freedom to manage its own affairs and because it did not agree to the principle of the freedom of any province or provinces to stand aloof from any future scheme of Government and enter into

a separate agreement with Great Britain. The League party did so because it did not get a promise of being treated for the purpose of representation in the Councils of State as equal in importance to the Congress which has a Hindu majority and because the Cripps offer made the establishment of Pakistan contingent upon a demand therefor being made by a province by an 80% majority of votes of its legislators. Thus though the step forward has been taken it is not a step towards the solution of the problem before the country and the political stalemate, of which the people in Great Britain as well as in India have grown impatient, continues.

The Pakistan scheme of the Muslim Leaguers is that a partition of the country be made into two independent sovereign parts, one comprising Bengal, Punjab, North-west Frontier Province and Sind to be called Pakistan and the other comprising the remaining seven Provinces to be called Hindustan and that the respective portions be placed under the absolute control of the Musalmans and the Hindus. This solution is not acceptable either to the Hindus or to the Britishers or even the inhabitants of the four Provinces because of the immense possibilities of frequent civil wars occurring between the two communities inside the country and the Provinces and of the recrudescence of the danger of foreign invasions, from which the country has become immune since the paramount power has

passed to the British nation. Other solutions based on foreign models, *e.g.*, American, Canadian and Australian have also been suggested by students of western political science. But none has as yet found favour with politicians and statesmen.

II. The Inherent Defect of those Solutions.

I am of opinion that no solution which does not take into account the past history of this country prior to the end of the 8th century A.D. when the first Muslim incursion, which brought the followers of Islam in contact with the Hindus for the first time took place, is likely to be of any practical use in establishing harmonious relations between the Hindus and the Muslims and the other minor communities and in winning for the country an honourable place in the comity of nations. Although authoritative writers on its political history like Vincent Smith, Allan and Dodwell, Ray Chaudhary and others say that Indian history as such begins from about 600 to 650 B.C. they cannot and do not disregard the fact brought to light by Pargiter and other students of Vedic and Pauranic literature like Max Muller, MacDonald, Keith, Winternitz, Jacobi, Rapson, Muzumdar, Pradhan, Marshall, Bannerji and others that there existed a well-organised society in India long prior to the dates of birth of Buddha and Mahavira, only a few years before which the political history of India is believed to commence, and that it had become suffi-

ciently well-advanced in its knowledge of several sciences such as linguistics, prosody, geometry, sculpture, archery, medicine, etc., besides metaphysics and philosophy. A bird's eye-view of the development of the ancient Indian civilisation right from the Vedic age, whose commencement has been placed by a majority of Indologists between 4,000 and 3,000 B.C., to the beginning of the 9th century A.D. when Sankara brought under one Smarta canopy the followers of all the different Vedic creeds that had sprung up in India as the result of contact with many foreign and trans-border tribes, which had continued for more than a thousand years prior to the Digvijaya of Sankara, would be far more helpful in solving the problem now before us than any ideas either imported from alien lands or formulated by thinking over the problem in view of the present-day conditions only.

III. Course of Development of the Indian Civilisation.

If we hark back to the days of the composition of the early Rg-Veda hymns, we find that during the period in which the early hymns were composed, there was no such assignment of functions between the Brahmana, the Ksatriya, the Vaisya and the Sudra as we find clearly marked in the days of the composition of the later hymns of the Rg-Veda and the Yajurveda, of which the Purusasukta occurring in the Tenth Mandala of the Rg-Veda and in the White Yajurveda is remarkable as containing a hymn dis-

tinctly stating that out of the sacrifice of the Virat (Cosmic) Purusa the four Varnas, Brahmana, Ksatriya, etc., were created.¹ Two events of outstanding importance which had occurred during the long interval between the dates of composition of the two sets of works are the Nihksatrikarana of the earth by Parasurama,² a son of Jamadagni, one of the Vedic Rsis, and the acknowledgment of the superior force of the Brahmana sage Vasistha³ by the Ksatriya sage Visvamitra and the subsequent attainment of the status of a Brahmarshi by him by infinite patience and perseverance.⁴ The first is to my mind an indication of a bitter animosity between the Brahmanas and the Ksatriyas, the priestly and military classes in the early Vedic age, and the second that of the estab-

1. Rg-Veda X. 90. 12.

2. Nihksatrikarana of the earth means making the earth devoid of Ksatriyas. The immediate cause for this wholesale slaughter of the Ksatriyas by a Brahmana was a dispute between Parasurama and his cousin Arjuna Kartavirya, the then ruling monarch at Mahismati in the province of Cedi. This story occurs in Mahabharata IV. It contains several other stories also indicating a bitter animosity between the priests and the princes such as Pururavas, Yayati, Nahusa and others.

3. Ramayana, I. 51-65.

4. Both of these were Vedic Rsis. The name of Vasistha survives along with that of his wife Arundhati in the names of the stars in the constellation Saptarsi (The Great Bear), in those of the seven great sages, in a Mandala of the Rgveda, in the name of the great Agama work on Advaita philosophy called Yogavasistha, in another work named Vasistha Samhita and in a work on Dharma-sastra called Vasistha Dharmasastra. In the Valmiki Ramayana Vasistha is the name of the priest of the family of Dasaratha. There Visvamitra treats him as a friend. The latter though originally a Ksatriya had by his exemplary patience and perseverance acquired the status of a Brahmarshi and hence his name too is included amongst the seven great sages; he composed several hymns one of which is the Gayatri with which all those who are invested with the sacred thread are expected to invoke the sun for the development of their intellect and he is the first human being to whom the Dhanurveda, the science of archery, is traditionally believed to have been revealed as a reward for his intense devotion and hard austerities.

blishment of an order of the Varnas after a very bitter struggle between the two major Varnas, the one proud of its spiritual wealth and power, the other of its material wealth and power. When at last the new order was established the necessity of both was recognised and although in that order the Brahmana was placed first his function was to act only as a guide to the other Varnas and in order that he may be able to discharge it satisfactorily, he was enjoined to lead a life of poverty and seclusion and was to be dependent for his protection, from the attacks of the survivors of the previous race, on the Ksatriya.⁵ This kind of division of functions in practical life made each entertain regard for the other and interdependent. It seems to have remained undisturbed for nearly two thousand years. It was not that all this long period was uneventful. The Upanisads record numerous instances of Ksatriyas being dissatisfied with the old Vedic ideal of securing happiness in this world and the next by sacrifices and of their having commenced to form higher ideals and to devise new means of realising them such as Jnana, Yoga and Bhakti.⁶ Nevertheless whatever changes took place in religious beliefs and practices during this long period, kept inviolate the social structure as it had been once built up after a long and bitter struggle.

5. See Yogavasistha II. 10. 11-44; II. 4-18. According to this work there were in the beginning no kings and everybody's conscience alone was sufficient to keep his conduct within the limits of Dharma (law, religion and morality), and it may therefore be inferred that there were no professional priests also.

6. See Chandogya I. 8; IV. 1-3; V. 3. 24; Brhadaranyaka II 1. 3; III, 1-9; IV. 1-5, Kausitaki Brahmana I, III; Jabala 4-6; Prasna VI. 1.

The rise of the ascetic school⁷, of which the early Bhagavata, Jaina and Buddhist doctrines, not those religions, are offshoots, according to my view, was due to this very dissatisfaction with the old religious ideal and method. It did not however disturb the social equilibrium because every individual adherent thereof cut off his connections with his family and the organised society and betook himself to a forest in order to pursue his own ideal.⁸ Those Ksatriyas like Janaka, Kekaya and Ajatasatru, who tried to realise their ideals while still discharging their duties paid due regard to the organic structure. And it continued till in the age of Dvaipayana Vyasa a fresh problem demanded solution.

In the preceding age, of the state of society wherein the Ramayana has drawn a picture, the Ksatriyas befriended some of the aboriginal chiefs as Ramachandra had made allies of Guha Nisada, Sugriva, Vibhisana and others but did not enter into marital alliances with them. But in the age of Krsna not only Ksatriyas but also Brahmanas had begun to have free social intercourse with them. The Mahabharata, Harivamsa, Harivamsa Purana of Jinasena and

7. As to the literature of this school which is found to have been utilised by the Brahmanas, Jainas and Buddhists alike there is a long discussion in the *History of Indian Literature* by Winternitz. vol. I. pp. 294-422.

8. The Mahabharata contains scores of old instances of members of ruling families retiring to forests and engaging themselves in severe austerities.

Trisasthi-salakapurusa-carita of Hemacandra contain numerous instances in which Ksatriyas took to wife girls of the non-Aryan tribes very freely. Santanu had married a fisherman's daughter. Vasudeva had numerous non-Aryan wives besides Aryan. Jambuvati and some other wives of Krsna were also of non-Aryan parentage. Bhima had married Hidambi, a daughter of a cannibalistic forest chief and Arjuna had married Ulupi and Citrangada, both daughters of non-Aryan chiefs. These are only recorded instances of the two upper classes. There may be unrecorded ones of the lower classes by the thousands. Though ruling princes could have afforded to keep their non-Aryan wives and their progeny apart, the ordinary folk could not have done so. It is not also possible that they could all have been Aryanised in their religious beliefs and practices. Their spoken languages too could not be the same as those of the Aryans. They were however required to be taken into the Aryan fold because the Mahabharata war and its after-effects had so completely destroyed several Aryan families and disorganised the Aryan social life that there was a danger of the old Vedic literature being completely forgotten and the Aryan ways of living and thinking being wiped out altogether if some way out was not found. According to the Bhagavata Purana and the Mahabharata Dwaipayana Vyasa was a devotee of Krsna but for the conservation of the national literature and culture he entered into a pact with such

representatives of the Yajnika school as had survived, collected together such of the Vedic hymns as they could recollect and having classified them according to the functions of the officiating priests revived the old Vedic religion of sacrifices for the benefit of the priests and the princes. As however all the Ksatriyas would not resume the sacrificial rites, he also developed the Karma-Yoga doctrine of the Bhagavadgita, which had several phases but in each of which devotion to Vasudeva as identified with the Visnu of the Vedas and the Saguna Brahma of the Upanisads was a primary factor. Similarly, for the sake of those who did not know the Vedic language he collected together the traditional literature, gave it a Vedic colouring and taught it to the members of the mixed castes which had come into existence as the result of a free intercourse between the Varnas *inter se* and between them and the non-Aryan tribes and of the disinclination of the priests to admit the progeny of such marriages into the pure Aryan social hierarchy.⁹ Here, too, the guiding principle was, each according to his inherent qualities and avocations. That is the reason why Vyasa says through the mouth of Krsna in the Bhagavadgita:—"I have created the order of the four Varnas, classifying them according to their inherent qualities and actions."¹⁰ I believe the first Dharmasastra of the Manava Sakha, which seems to be the basis of the present Bhargawa re-

cension of the Manusmṛti and is referred to even in the old Dharmasūtras, must have been composed in this period.

This re-construction and expansion of the social organisation continued to be in force till the time when Buddha and Mahavira began to preach the doctrine of Ahimsa and dissuade the Kṣatriyas from performing sanguinary sacrifices. The Jaina tradition says that Candragupta Maurya had in later life become a Jaina and had accompanied Bhadrabahu to the Deccan.¹¹ It is not therefore unlikely that he may have sympathised with their doctrine ever since he may have come in contact with Jaina Sadhus and may not have exercised his royal authority in order to enforce the observance of the strict Varnasrama Dharma as established by the efforts of Vyasa. And it is a historical fact that the Emperor Asoka had become converted to Buddhism and used all his influence in spreading its doctrine by sending out preachers and getting it inscribed on rocks situated and pillars put up at places where people would read them. This had again disorganised for a time the Aryan social order and it was in and after 185 B.C. that Pusyamitra Sunga who had seized the throne of Magadha made attempts to revive it.¹² The authoritative work on Dharmasastra of his time is most pro-

11. Outline of Ancient Indian History and Civilisation by R. C. Majumdar, pp. 220-21.

12. Op. Cit. pp. 143-44; Early History of India by Vincent Smith, 3rd edition; Political State of India in the 2nd Century B. C.; The Sungas; B. C. 185-149.

bably the present Manusmṛti, which, while retaining the name of Manu, introduced certain changes in order to establish a new social order. The most important change was the introduction of the caste-system. Though the old division into Varnas was still maintained nominally, the basis of the distinction adopted by it is birth since it speaks of Brahmanas who were illiterate, greedy, etc., and of Ksatriyas who were not professional soldiers, indirectly permits them to take to other occupations besides their traditional ones in times of difficulty and contains a pretty long list of castes known by their occupations and not falling under any of the four traditional ones.¹³ There is thus from the date of this earliest metrical Smṛti evidence of the beginning of a caste-system but these castes were not so rigid in the matter of inter-dining and inter-marriage as we had them till very recently. Throughout the Smṛti period i.e. from about the beginning of the 2nd century B.C. to about the end of the 8th century A.D., these restrictions do not seem to have been imposed by the author of any of the more than 150 Smṛtis which seem to have been composed during the said period according to the necessity of different localities and times.¹⁴

The rule of the Sungas and Kanvas does not seem to have lasted for a very long time.¹⁵ Even during the continuance of the rule of the last Maurya

13. See Manusmṛti X.

14. This historic event is referred to in Yogavasistha II. 11. 4-12.

15. The Sunga dynasty was in power at Pataliputra from 185 to 73 B. C. and the Kanva dynasty from 73 to 27 B. C. (Majumdar's Ancient Indian History and Civilisation, p. 145).

Brhadratha the Bactrian Greeks had begun to penetrate the frontier and the neighbouring provinces and the Kushans, Parthian Greeks, and the Sakas later on held under their sway important provinces in the northern and western parts of this country. They mixed freely with the people and embraced either the Hindu or the Buddhist religion. It was easy to absorb them in the Indian social order as it was elastic enough to admit any number of alien groups without disturbing the existing ones. The Yajnavalkya Smṛti composed most probably in the reign of Samudragupta or Chandragupta II, though differing from the Manusmṛti in several other respects, differs little from it in the matter of caste-organisation and the mutual relations of the four principal castes.¹⁶ No other Smṛtikara of repute such as Katyayana, Brhaspati, Narada and others seems to have thought it necessary to interfere with the social order as established by Manu although from the latter part of the 5th century other non-Hindu tribes had come to India and sought absorption in its social system. It can therefore be safely inferred that the said order worked well in giving each an opportunity to form his own social circle and to earn his livelihood in the way he was best fitted to earn it, unhampered by the caste-label which he bore. It is also well-known that in almost all the provinces of India the Hindus, the Jains and the Buddhists were free to follow their religious

16. Cf. Manu. XIII. 10-19 and Yaj. I. 56.

practices, no matter who ruled over them during the said period.

But it was this very freedom to follow the dictates of one's conscience in the matter of religious beliefs and practices which allowed all sorts of doctrines to be propounded and preached and all sorts of customs, however disgusting to the others, to be followed in the name of religion as the result of the influx and admixture of many spiritually-backward foreign or trans-border tribes who brought Tantric rites with them. The consequence thereof was that there was in the sixth and seventh centuries complete anarchy and chaos in the matter of religion. It was in order to evolve order out of it that Kumarila Bhatta tried to revive interest in the Karmakanda (ritual portion) of the Vedas. His effort was supplemented by his former Guru and later rival Prabhakara. The works of both on Karmamimansa are still considered authoritative but studied only by a few. Sankara who followed Kumarila gave a somewhat different turn to the revival of interest in the Vedic religion and culture, confining his efforts to the interpretation of the Jnanakanda (philosophical portion) only of the Vedas. He did not however stop there. He also interpreted the Bhagavadgita which was the Bible of the earlier Bhagavatas and the Brahma-sutra which was the basis of a large number of philosophical and theological doctrines. These works revived a taste for the Vedic learning and knowledge. Moreover he moved throughout the length and breadth of India, won over

to his side such of the teachers of the age as held sway over the minds of any considerable portion of the people of any province both by arguments and by the organisation of the Siva-pancayatana and Vishnu-pancayatana worships in which all the minor Vedic gods then worshipped were given places under the canopy of either Siva or Visnu, brought the Hindu population of the whole of India under the one banner of the Smartas or Sanatanis and put them under the religious guidance of four of his pupils for whom he established seats at Dwaraka, Puri, Sringeri and Badarinath. This organisation worked uninterruptedly for about 400 years only, but the revival of interest in the Vedic religion and philosophy which he strove hard to bring about has continued even to this day. Although later times produced many other interpreters of the philosophical portion of the Vedas, the Bhagavadgita and the Brahmasutra, and their works are available for study, all disinterested seekers after truth, whether belonging to India or any other country, unreservedly acknowledge Sankara as one of the greatest philosophers of the world.

IV. Lessons to be learnt from that course.

It can be easily seen from the above bird's-eye-view of the course of development of Indian civilisation during a period of not less than 3000 years that the problem of bringing about harmony between two or more conflicting interests, whether in the

social, economic or religious spheres is not new to the Indian brain. Whenever possible, the leader of the age has persuaded his followers to pay a heavy price for the love and esteem of their rivals in a spirit of magnanimity and self-sacrifice. The political sphere in which there is a struggle for power now is after all not an end in itself but a means to an end, namely liberty to shape one's destiny according to the dictates of one's own conscience. The Musalmans and the other minorities can rest assured that the Hindus will show the same spirit of magnanimity and self-sacrifice which their forefathers had shown while dealing with the foreign immigrants of their times. At each of the above stages the nature of the conflicting interests was different and some solution or other was found out in order to maintain harmonious relations amongst their protagonists considered as children of the same soil. It might be argued against this that the other foreign tribes which came into India were willing to be and were ultimately absorbed in the great Hindu community but the Musalmans, Parsees and Christians, who now constitute the minor communities, are not willing to be absorbed in the Hindu community. The answer to this objection is that the period of Indian history to which the present age presents a striking parallel is that in which after bitter struggles between the Brahmanas, the lovers of peace and spiritual advancement, and the Ksatriyas, the lovers of martial prowess and material prosperity, a compromise was arrived at. That compromise had

established such harmonious relations between not only the two rival communities but also between them and the Panis (the Vaisyas) and the Sudras and never again in the long history of the Indian civilisation was there a recurrence of the internecine wars of the Vedic age above referred to. The Kuru-Pandu war was a war not of that class but a war between Ksatriyas *inter se*. On the occasion of that compromise neither the Ksatriyas nor the Vaisyas had given up their peculiar pursuits but only accepted the authority of the Brahmanas in the matter of spiritual guidance and the latter in order that they may remain fit to give it agreed to live away from the hum and buzz of city life and in consideration of that the other Varnas agreed to look upon it as a religious duty to protect them against inroads from the aborigines and to provide them with the means of sustenance by way of fees, presents, etc. So far as obedience to Dharma (law) was concerned, it was incumbent on all. Similarly in this age, too, a compromise is possible and easy if the cultural groups concerned¹⁷ agree (1) to respect the constitution that may be established by law, (2) to place the national interest above the communal.

17. Although numerically considered there are only two important cultural groups concerned, there are two other such groups which cannot be ignored while coming to an agreement on the above points. They are those of the Parsees and the Christians, in the latter of which I include both the European Christians and the Indian Christians, to whatever Church they owe allegiance. The importance of the Zoroastrian group lies in the fact that it has preserved its individuality for more than 1200 years and during the last 150 years of the British rule many outstanding personalities have left such indelible marks on the politics, commerce, industry and education of this country that one Parsee was included in the interim government formed in Bombay under the Government of India Act, 1935, one was included in each

(3) to recognise the cultural, not merely numerical, importance of each group in the body politic for the purpose of fixing the proportion of representation in the administrative and legislative frameworks at the centre and in the provinces and (4) to divide the power to be derived from the British nation at the end of the war in the same proportion and to agree to the allocation of portfolios in the Cabinets on the basis of the outstanding qualities which are the special products of the culture of each group, which alone matter so far as the other groups are concerned, not the religious beliefs which differ considerably even amongst the votaries of the same kind of culture, e.g. those of the Hindus, Jainas and Buddhists, all of whom have the Indo-Aryan culture as modified by the Dravidian, in common.

of the popular governments formed by the Congress party under the same Act in 1937 in Bombay and the Central Provinces, and, one has been included even in the G. G.'s expanded Executive Council. Nor can the Christian or Western culture group be ignored because the European merchants had trained up many an Indian in international commerce, in forming joint stock companies in order to be able to trade on a large scale, etc. The number of the Indian Christians including the Eurasians also who have adopted the Western civilisation besides the Christian religion is not negligible. Men of merit come out from amongst them also. It is therefore right that one European non-official has been given a place in the expanded Executive Council of the G. G. Only equity demands that an Indian Christian also should be given such a chance when the non-official European vacates the post.

The types of culture which, according to me, should be taken as units for the purpose of representation are as a matter of fact, the **Indo-Aryan**, as modified by the Dravidian, the **Middle Asian** as modified by the former, the **Indo-Iranian** as modified by the two former and the **Modern Western**. These terms have in fact a wider significance which takes no notice of religious and racial differences and the economic classes. However since these terms are incomprehensible to the ordinary citizen I have made use of the popular terms **Hindu**, **Musalman**, etc.

V. The Indian States and their Subjects.

The above reasoning applies only to one phase of the Indian constitutional problem. Another phase thereof is what is to be the position of the Indian States and their subjects in the Indian constitution. Their rulers sit tight over their rights recognised by the late East India Company by separate treaties made with them during the first half of the nineteenth century when there were no railways, no telegraphs, no telephones, no wireless stations, no aerodromes, no mail steamers, no airships. All these have since then come into being for the use as well of the Indian Princes and their subjects as of the British Indian subjects. With the exception of very few major states they have not even their internal independent coinage, paper-money, stamps and postal and railway services. None has its own telegraph service. So, when the above services were established the old treaty rights must necessarily have been modified by fresh agreements or conventions allowing the use of lands forming parts of the territories of the states affected, entrusting the management of their services and the administration over the parts concerned to the Representative of the British Crown who has succeeded to all the rights of the E. I. Company as the paramount power in India and providing for the payment of certain royalties to the states concerned in one form or another. Again, during the last world-war many of the Indian Princes offered their personal services and

supplied men and materials, by way of gifts and in the present war they have been doing the same, over and above what they are under an obligation to give under their respective treaties, simply as a mark of loyalty to the British Crown, although they are not consulted in the matter of foreign policy. There is a greater reason why they should be prevailed upon to agree to the transfer of the rights of the paramount power to the future Government of India under the proposed national constitution and to make such further concession in its favour as may be necessary for that government to govern India in such manner as would tend to establish the solidarity of the country as a whole and to develop its trade, commerce and industries for its economic advancement. The reason is that they would get a share in the administrative and legislative machineries that may be established under the proposed constitution.

As for the subjects of those states, they belong to the same races as those of British India. The forefathers of most of them in the age in which the oldest of the present states came into existence must have been the subjects of the Moghul Emperors or the Peshwas and now they too look up to the Crown-Representative for protection if their Ruling Princes are guilty of unpardonable misbehaviour and the said Representative does as a matter of fact put such Princes to the option of either abdicating voluntarily in favour of their heirs-apparent or submitting to Commissions of Inquiry set up specially by

him in the exercise of the paramount power. He can therefore easily prevail upon them to democratise their administrations, singly in the case of the major states and in groups in that of the minor ones.

That would however be a form of direct pressure. There is no reason why it should be resorted to if the same result is likely to be achieved by an indirect form of pressure in the shape of a denial of some right in the Indian body politic to those states which do not bring their administration in a line with those of the British Provinces in their neighbourhood so far as circumstances permit. I believe it is possible to frame a constitution with such a provision. It is a matter for satisfaction that some of the states have already set up government by Ministers and representative legislative assemblies. What they are required to do now is to take a step further in the above direction. This they should be prepared to do in the interest of the country as a whole which is as much theirs as that of the British Indian subjects for they belong to either the Hindu or the Musalman cultural group. As for the rest, it can be hoped that they would realise the situation and make up their minds to move with the times.

VI. The British Vested Interests.

The communal tangle is so much to the fore in the political firmament that it is forgotten that the Indian constitutional problem has yet a third

phase viz. the arrangement to be arrived by the Indian parties to the constitution with the British nation through the British Cabinet. It might be argued that the said Cabinet has already declared itself prepared to accept whatever constitution is jointly agreed to and demanded by the said parties but it should not be forgotten that besides the present members of the civil services, there are the retired members thereof who have been drawing their pensions and the higher military, naval and air force officers who do not belong to any Indian services but to the British Imperial services. Moreover, some British joint-stock companies enjoy certain privileges. When India ceases to be a dependency, a re-adjustment of the relations between them and the Indian national government would be necessary and unless the re-adjustment that may be proposed is acceptable to the British Cabinet and the holders of such vested interests, the sanction of the British Parliament is not likely to be obtained. Therefore, for the smooth passage of the Bill that may be drafted, it is desirable that a scheme of re-adjustment should be worked out and incorporated in the constitution. This would necessitate a provision for a fixed period of transition being made so that the holders of those interests may have sufficient time to choose either to continue to serve or trade in India on the new terms that may be imposed or to cease to do so after a particular fixed period. As for the pensioners an arrangement would have to be arrived at with the British Cabinet for

the payment of their pensions. A provision for making an investigation into the extent of this country's liabilities and obligations in these respects must therefore be made in the proposed constitution.

VII. Experimental Nature of the Proposed Indian Constitution.

The following outline of a future constitution for the Government of India has been drawn up bearing in mind the three phases of the Indian problem and considering the facts that except the Musalmans no other cultural group insists upon being treated as constituting a separate nation, that 20 years ago their leaders too were the members of the non-communal political bodies such as the Indian National Congress, the Liberal Federation or the Home Rule League and that when they begin to work shoulder to shoulder with the Hindus for the benefit of the country as a whole, there is a likelihood of their giving up their love for a separate Pakistan in India which is not looked upon with favour by a large portion of their own community and is likely to widen the gulf between the two major groups rather than bridging it and to raise many insoluble economic, financial and defence problems. The nature of the constitution offered by the British Cabinet through Sir Stafford Cripps was also such that it can be reasonably inferred that the said Cabinet while willing to pay due regard to the wishes of the Moslem Lea-

guers, did not deem it a practical proposition to accede to the demand for a partition of the country on the lines drawn up by them. In view of these facts the following outline has been drawn up with a view to set up only a transitional constitution in which both the cultural and the national points of view would be put to the test. After both have been tried for a period of, say, 10 or 15 years, it will be clear which should finally prevail and then a revision of the constitution accordingly will have to be undertaken. This experimental, transition period would also enable the British vested interests to make up their minds as to their future relations with India and the Government of India to train up the necessary number of Indians for defending the country against a foreign invader by land, sea or air, independently of British supervision and control. None with a realistic turn of mind can visualise the possibility of the new Government of India deciding to depend upon Mr. Gandhi's non-violent non-co-operation doctrine against an aggressive foreign nation, at least so long as a world-wide international machinery for enforcing its observance by all the independent states is not set up.

VIII. Outline of a Future Indian Constitution.

(1) Centre: (a) Administrative Machinery.

The administration at the Centre shall be carried on by a Governor-General, appointed by the Crown on the recommendation of the British

Cabinet, which shall not include any Secretary of State for India, and a Central Cabinet of 14 to 16 Ministers presided over by a Prime Minister. Each of these officers shall hold his office for a period of 5 years and shall take an oath to discharge the duties of his office in the best interests of the country.

The Prime Minister shall be chosen by the Governor-General from amongst the distinguished representatives of the four great cultural groups of the Hindus, the Musalmans, the Parsees and the Christians by rotation, like the Mayor of Bombay. After his selection, he shall select from amongst the representatives of the four cultural groups in the Legislature at the Centre, 10 to 12 Ministers in the following proportion namely:—5 or 6 Hindus, 3 or 4 Musalmans, 1 Parsee and 1 Christian. To these the G.G. shall add two Ministers to represent the Indian States, one of them representing States which have representative institutions and the other which have not and one more to represent such special interests as he may in his discretion consider necessary to be represented in the Cabinet. Decisions of the Cabinet shall be by a majority of votes and the Prime Minister may give a casting vote whenever there is a division amongst the Ministers according to groups. These decisions would be at once binding on the Cabinet as a whole but the G. G. may exercise a right of veto over such of them as are likely in his view to interfere with the security

of the country as a whole or with the cordiality of the relations between India and Great Britain and between the Central Government and the Indian States. The Ministers including the Prime Minister shall be removable individually on a vote of censure being passed by the particular cultural groups represented by them. The division of portfolios amongst them shall be made by the Prime Minister in consultation with the G.G., bearing in mind the qualifications and special aptitudes of each eligible candidate.

(b) Legislative Machinery.

The Legislative machinery at the Centre shall consist of two Chambers, a House of Representatives and a Council of State.

The House of Representatives shall consist of 200 members, of whom 190 shall be elected and 10 nominated by the G. G. on the advice of the Prime Minister. The seats of the elected representatives shall be allotted to the four cultural groups in the following proportion namely:—105 Hindus (including the Buddhists, Sikhs, Jainas, Backward and Depressed Communities), 45 Musalmans (including the members of all their political and religious organisations, by whatever name they are designated), 10 Parsees (including Kadamis and Sahensahis) and 30 Christians (including the Anglo-Indians, Eurasians, and Indian Christians whether Catholics or Protestants.) The seats so allotted shall again be divided between the Indian Provinces, and the Indian States

which may have established representative institutions, in the proportion of 2|3rds to 1|3rd. Those so sub-divided may again be sub-divided between the Provinces *inter se* and the states *inter se* in view of the population of each cultural group in them and the seats so sub-divided may be further sub-divided by each cultural group amongst its sub-groups. In case of a difference of opinion between the Provinces and the States the G. G. and in case of that between the sub-groups in each group the Governors of the Provinces and the Rulers of the Indian States shall be the sole arbitrators but in case of dissatisfaction with the award of the Governor or the Ruling Prince, an appeal shall lie to the Governor-General. This house should have power to pass all such laws as may be necessary for the peace, security and advancement of the country as a whole. But no legislation affecting the inter-relation of any two or more cultural groups shall be allowed to be introduced without the sanction in writing of the Governor-General and none affecting the internal social organisation of any cultural group shall be allowed to be introduced without the consent of 3|4ths of the members of that group in the House and before being published at least 3 months ago for public criticism.

The Council of State should be made up of the representatives of the Universities, the Zamindars, merchant princes, industrial magnates, and the representatives of such states as may not have established representative institutions. It shall have in all 150 seats, of which 1|3rd shall be allotted to the

Universities, 1|3rd to the Indian States of the above class (of which there would naturally be a large number, advisory bodies not being representative institutions) and 1|3rd to the other constituencies in proportion to their importance. This House would be entitled to consider all Bills introduced in the Lower House and to allow new Bills to be introduced therein. If this House passes any Bill passed by the Lower House, it shall become the law of the land subject to the assent of the G. G. If it rejects any by a majority, the Lower House shall re-consider it and if passed again, it shall become the law of the land subject to the assent of the G. G. The G. G. shall have power to return such Bills for re-consideration as in his opinion relate to any of the matters on which decisions of the Cabinet are subject to his vetoing power.

(2) Provinces:—(a) Administrative Machinery

There are two classes of Provinces, major and minor. Both should have the same kind of administrative machinery, namely, a Governor, who may be an Indian or non-Indian, to be appointed by the Crown on the advice of the British Cabinet given after previous consultations with the G.G., and his Cabinet of Ministers but the minor ones would naturally require a less number of Ministers than the major ones. Their number in the case of Provinces of the former class may be 3 to 5 besides the Prime Minister and in that of the latter 5 to 9. The Prime Ministers shall be selected by the Governor by rota-

tion from the cultural groups represented in the Legislature of the provinces and the other Ministers shall also be selected by him from the same groups according to the advice of the Prime Minister in proportion to the number of members of each group in the Province. All the Ministers shall hold office for a period of three years but they shall be individually removable at any time on an adverse vote of a majority of members of the groups which they respectively represent. Allotment of portfolios to them shall be made on the same lines as in the Central Cabinet. Decisions of these Cabinets have the same weight and the Prime Ministers have a casting vote in similar circumstances as in the case of the Central Cabinet.

(b) Legislative Machinery

Each major province shall have two Legislative Chambers, called the Legislative Assembly and the Legislative Council and each minor province only one called the Legislative Assembly.

In the L.A.'s of the major provinces there should be seats varying from 100 to 150 according to the number of qualified voters in each. 10 of these should be reserved for being filled up by nomination by the Governor under the advice of the Cabinet. The remaining seats shall be filled up by election from amongst the qualified voters in each cultural group in proportion to the qualified voters in each. Inside the groups, seats may be reserved for backward sub-

groups (including the Depressed Classes) and any dispute regarding reservation shall be decided by the Governor as the sole arbitrator or by an impartial commission of a non-communal character appointed by him. In the latter case an appeal would lie to him.

In the minor Provinces, the L.A.'s shall have 80 to 100 seats. Of these 1|10th shall be reserved to be filled up by the Governor on the advice of the Cabinet and the remaining 9|10ths shall be thrown open for being filled up by election by the various cultural groups in proportion to the number of qualified voters in each. All other procedure will be the same as in the case of the major provinces.

The Legislative Councils in the major provinces shall be made up of the representatives of the Universities, commercial bodies, industrial organisations, retired Civil and Military Officers who had been drawing not less than Rs. 300 p.m., Municipalities, Local Boards, Merchants' Chambers, Labour Unions, Press Unions, etc. Their total strength shall be fixed at between 80 and 100 according to local requirements to be determined by the Governor subject to appeal to the G. G. There should be only one electoral list for each constituency without regard to the cultural groups in each.

The Provincial Legislatures, whether unicameral or bicameral, shall have power to entertain all Bills relating to the affairs of their respective Pro-

vinces but those affecting the social relations or the religious customs of any cultural group or such as are likely to disturb the harmonious relations among different groups in the same or a neighbouring Province or Indian State shall not be introduced without the previous sanction of the Governor. He may either refuse it or refer the Bill for sanction to the G. G. who may grant or refuse it after consulting his advisers selected from the members of the Central Legislature. The relations between the two Chambers in the major Provinces shall be regulated by the same principles as those between the two Chambers in the Central Legislature.

(3) Position of the Services.

Recruitment to the All-India Services, both Civil and Military, shall be made and the examinations necessary therefor shall be held in India by a Central Public Service Commission. Britishers as well as Indians may be allowed to appear at such examinations. Those for the Provincial Services should be in the hands of respective Provincial Public Service Commissions. Rules for the pay, leave and pension of the new employees shall be framed by the Central or Provincial Government concerned. The personnel of the Commissions shall be drawn from persons of proved integrity and catholic views so as to ensure strict impartiality in selection.

As regards the existing incumbents some such scheme as follows will have to be made. Those

with less than 5 years' service on the date of the new rules coming into force may be placed under them. For those with 5 to 15 years' service, special rules suited to the conditions of the country and the Provinces may be framed by the Commissions and put into operation by the respective Governments. Those having to their credit more than 15 years' service should be given the option of retiring on certain conditions or of submitting to the interim rules above-mentioned. Those so retired and others from Western countries, preferably England, may be employed for training competent Indians from the provinces as well as the Indian States for military, naval and air services in an independent India.

(4) Judicial Administration.

The judicial administration in each Province shall be under the control of a Supreme Court at the Central metropolis. At the metropolis of each major province there should be a High Court and at that of each minor one a Judicial Commissioner's Court. These Courts shall exercise such jurisdictions as such courts exercise at present but the Court of Final Appeal shall be the Supreme Court in place of the Privy Council. The Supreme Court shall also have a Federal side which would take cognizance of disputes between the Provinces and between them and the States as to boundaries, jurisdictions, interpretation of a legislative provision concerning them, etc.

(5) Adjustment of Commercial and Financial Relations between India and Great Britain.

A Commission of Experts shall be set up within six months of the termination of the present war or the constitution of a stable Executive Government at the Centre, whichever is earlier, for making an investigation and suggesting methods of re-adjustment of the relations between India and Great Britain as regards all existing commercial and financial matters and recommending the terms on which a treaty should be drawn up between the accredited representatives of the two nations as to the future relations between them in such matters, the discharge of liabilities and the employment of temporary servants on a contractual basis. Both the countries shall be equally represented on the commission. In case there is any matter on which the members are equally divided, decision thereof shall be referred to an arbitrator to be chosen by the Governments of both the nations from any third independent nation having experience of such matters. On the recommendations of the arbitrator, a treaty shall be drawn up and signed by the accredited representatives of the two nations.

(6) War-period Arrangement.

For the duration of the war the Government of India Act, 1935 shall continue to be in force

but the G.G. may re-constitute his Executive Council so as to give effect to the above principles so far as it would not be inconsistent with the provisions of Chapter II of Part II of the said Act. Accordingly, though under S. 9 thereof he can appoint 10 Ministers only, he can under S. 15 appoint one more officer to be called his Financial Adviser; under S. 16 thereof he can appoint the Advocate-General for the Federation; under S. 11 thereof he can appoint 3 Counsellors to assist him in exercising his functions with respect to defence, ecclesiastical affairs and external affairs as limited by that section and under S. 17. (2) thereof he can make rules giving such limited authority to his Counsellors in the matters of defence and external affairs as may be consistent with the declaration to be made by the British Prime Minister and as may not be inconsistent with the other provisions of the said Chapter.

IX. Parties to the Proposed Changes.

It will have been seen from the above that any agreement that may be arrived at as to the constitutional changes must, in order to be successfully workable, have the approval of the British Parliament acting through the British Cabinet, the British Indian subjects and the Indian Princes. We are not concerned with the fact as to whom the British Government will authorise to represent it. Whoever takes part in the deliberations that may be necessary, whether the Crown Representative or some Member of the British Cabinet like Sir Stafford Cripps, the

scheme must ultimately be approved by the British Cabinet as a whole, and be submitted by it to the British Parliament for sanction in the form of an Act replacing the present one. The point for consideration of Indians is who should represent the British Indian subjects as a whole. The Indian National Congress would be out of the question if it would not agree to representation on cultural lines because of its creed. Congressmen of the Gandhian cult would not be sorry for being thus excluded because their leader, Mr. Gandhi, has already visualised a state in which the Congress would be dissolved. In that case the Hindu Mahasabha would naturally be taking its place but it represents only those Hindus who have received a higher Western education. Besides them there are large numbers of Hindus in all the Provinces who do not see eye-to-eye with the Mahasabha. It cannot, however, be gainsaid that it is a well-organised body. Therefore, if it can manage to win over the sympathy and co-operation of the other sections of the Hindu population, in its cultural sense, it can be allowed to settle the terms of the constitution with the other groups. Similarly, the Moslem League may be recognised as representing the Musalmans all over India if it can manage to win over the sympathy and co-operation of those Musalmans who are now opposed to it. If both these organisations fail to bring all their respective brethren on their side, they may be treated only as representing certain sections of their cultural

groups and other temporary organisations would have to be started in order to represent other sections. The Parsees are a well-organised community. There would therefore be no difficulty in getting representatives duly appointed by them with the consent of all adult persons through their Anjumans. The Anglo-Indians, Eurasians and Indian Christians are not so welded together yet. If in the interval that must elapse they are so united, well and good; otherwise, each of such sections may be allotted a quota of the total number of representatives allowed to the group as a whole.

The Indian Princes are also well-organised in the shape of the Chamber of Princes. All the States are represented there either through their Rulers or Ministers. Their representatives can, therefore, be selected or elected by them.

As regards proportion, as between British India and the Indian States, that of 2: 1 would hold good; but among the cultural groups in British India, it is not easy to determine. Tentatively, therefore, I may say that the proportion recommended for representatives in the House of Representatives at the Centre would be the best in view of all the circumstances. In case of a difference between the Hindus and Musalmans, the Governor-General and his Council may act as an arbitration-board and its decision should be treated as final.

X. Special Features of the Scheme and their Effects:

This is professedly a tentative scheme which the British Government can put into operation, even with-

out waiting for an express consent of the present political parties, in order that a suitable atmosphere can be created within 10 to 15 years for the much-desired agreed constitution. The checks and counter-checks provided for herein, the presence of the Parsees and the Christians in the Governments and the Legislatures and the several novel devices incorporated herein will, it is hoped, ensure smooth-sailing during the transition period and tend to create a spirit of give-and-take, which is absolutely necessary for arriving at an agreement on any point of difference whatever. It embodies an attempt to continue the political unity of the country which exists under the foreign rule and expand it when that rule gives place to a national democratic rule. It seeks for that purpose to create a fresh *Unity* on indigenous lines in the midst of *Diversity* while guaranteeing to the diverse elements their right to continue their separate existence so far as it does not become inconsistent with the interests of the country as a whole, to which each is expected to remain loyal. If this fundamental principle is found acceptable and forms the basis of a fresh approach to the problem, I will consider the time and money spent in writing and publishing this thesis to have been usefully employed. I shall always welcome any amendments that may be necessary in the details of the scheme.

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